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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 000744

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KDEM](#) [TH](#)
SUBJECT: THAILAND TRANSITION - ASSESSMENT OF PROGRESS

REF: A. BANGKOK 712 (CAN'T ANYBODY HERE PLAY THIS GAME?)
[1](#)B. BANGKOK 0179 (PM DISCUSSES SECURITY ISSUES)
[1](#)C. 06 BANGKOK 7398 (DAS JOHN MEETS LEGISLATURE VP)
[1](#)D. 06 BANGKOK 7388 (LUNCH WITH SURAYUD)
[1](#)E. 06 SECSTATE 174287 (USG FORWARD STRATEGY)

Classified By: Ambassador Ralph L. Boyce, reason 1.4 (b) and (d).

[1](#)1. (C) Summary: As Washington agencies consider whether to proceed with Cobra Gold, we offer our assessment of progress to date on the transition back to democratically-elected government. CNS chief GEN Sonthi and PM Surayud have both publicly committed to elections before the end of the year, possibly in November. The constitution drafting process underway should permit them to meet that target date. The interim government did not cross any of the "red lines" in our initial "forward strategy" (ref e), nor did it meet all the benchmarks set out; its performance is mixed. While the press is at least as free in practice as it was during the period when Thaksin was prime minister, the activities of political parties are still subject to some restrictions. The government, responding to international criticism, lifted martial law in 41 provinces including the capital, but is not planning to lift it in the rest of the country in the near future. While the government appears to be on track to turn over power to an elected government before the end of the year, there are a number of obstacles that could interfere with this, including threats to stability from further bombings or other civil disorder. Based on the steps taken so far, however, we believe that their progress is sufficient to warrant continuing our policy of cautious engagement, including holding the Cobra Gold exercise. End summary.

ELECTIONS IN 2007

[1](#)2. (C) The interim government is on track to finish the draft of the constitution by July, and hold elections before the end of the year. After a laborious procedure to choose the constitution drafters, the timeline for finishing the job is now locked in by the interim constitution promulgated by the coup makers. The document must be completed by about July 6, it will then be printed and disseminated to every household in the country, and submitted to a referendum, currently expected in early September. The interim charter

allows for three additional months for the drafting and passage of organic laws dependent on the constitution (such as the law on political parties) but the plan now is for this process to overlap with the constitution drafting for most part, not follow it (ref c). Planning for referendum has begun; the Election Commission has sought PAO assistance on technical issues. The interim constitution does not spell out how quickly the elections must be held after the constitution is adopted, but both Council for National Security (CNS) Leader Gen. Sonthi and Prime Minister Surayud have publicly said that elections will be held before the end of the year. Our repeated approaches to the RTG have underscored the need to hold elections as soon as possible; the leadership appears to have realized itself that it cannot continue in office beyond the end of the year without the risk of open public opposition. At this point, November appears to be the most likely date.

13. (C) The interim government and legislative assembly appointed after the coup has been able to operate independently of the military in many, if not most, of their activities so far. The military retains a strong role in security issues, as it did before the coup, but it does not always have the last word. For example, the CNS recommended maintaining martial law in parts of Bangkok, but the government did not agree, and lifted martial law in the capital as well. The interim legislature has opposed draft legislation proposed by the government; members of the legislature and constitution drafting bodies have also engaged in unimpeded criticism of the government and CNS.

14. (C) The CNS/government has not crossed the red lines laid out in our initial benchmarks. Demonstrations have occurred

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regularly, and without any crackdown on organizers. Former and current supporters of former PM Thaksin have not been imprisoned. There have been some allegations of political intimidation of TRT supporters in the countryside; these appear to be isolated instances, but are of concern. Members of former PM Thaksin's Thai Rak Thai (TRT) party continue to meet informally, to criticize the current government, and, in many cases, to plan for their political futures by preparing to form new political parties.

A MIXED RECORD

15. (C) The performance in other areas is mixed. Before the coup, broadcast media was largely controlled by the government or by the PM directly, through his family ownership of the one non-government broadcast station. Print media was freer than television, although subject to constant attacks, particularly by means of libel and lese majeste lawsuits. Today, the broadcast media, as well as the print press, is generally bolder than it was during much of Thaksin's administration. Although the CNS has tried to convince Thai broadcast journalists to minimize coverage of Thaksin and negative coverage of the CNS/government -- sometimes through phone calls to editors, or gathering the media to call for "national unity" -- they have not been particularly successful. Unlike Thaksin, who used credible threats of cutting advertising revenues and government control of licenses to manage the media proactively, the CNS has been largely reactive and naive in dealings with the press. The current authorities have not used libel or lese majeste to control media reporting. In January, the CNS blocked transmission of a CNN interview with Thaksin, although the content of the interview was widely reported in Thai media. The print media is, as before the coup, more independent than broadcast media.

16. (C) Martial law was lifted in 41 provinces, more than half the country, on Jan 26. This represents a long, and still not satisfactorily explained, lag from the time when the government voted for the partial lifting on November 28 (ref

a). During one of our many discussions about the importance of lifting martial law, the prime minister told us he wants to lift martial law in the rest of the country in conjunction with new legislation connected with the reform of the security forces, one of his goals for his premiership (ref b). However, it is not clear how long this legislative change will take. Martial law was invoked only once in Bangkok, as far as we can determine: police used martial law provisions to arrest the military officers suspected of involvement in the New Year's Eve bombings, since they did not have enough evidence for a warrant. These suspects were all subsequently released. The intense pressure from us and other countries about the need to lift martial law has been trumped by the almost illogical fear of the continuing influence of the former PM.

¶7. (C) The government also lifted a restriction on gatherings of five or more people for political purposes, instituted at the time of the coup. Although this was not legally lifted until December, it did not appear to be enforced after the interim constitution was promulgated. Many NGOs report that they have been able to meet without interference. The government has not lifted the restrictions in Announcement 15, issued two days after the coup, which prohibits political parties from holding meetings or engaging in any other political activities. This Announcement also prohibits the registration of new political parties. Nevertheless, some politicians are visibly but informally laying the groundwork for establishing new parties.

ON TRACK SO FAR, BUT POTENTIAL OBSTACLES REMAIN

¶8. (C) While all signs indicate that the government plans to complete the constitution on schedule and hold elections by the end of 2007 at latest, there are still many obstacles to be overcome. There are concerns that the constitution could

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fail to pass the required referendum. This might happen, for example, if the referendum comes to be viewed as a vote on the popularity of the coup makers. This could provoke a political crisis. In the event that voters reject the constitution -- or if the drafting committee cannot complete their work on time -- the coup leaders, together with the cabinet, can promulgate a constitution of their own choosing, according to the interim charter. This must be done within one month of the referendum. Such a step would be controversial, but at least offers assurance that debate over constitutional issues will not drag out endlessly and forestall elections.

¶9. (C) While the timeline for drafting the constitution is on track, it is still not clear what the content of the new constitution will be. Some of the proposals under discussion could lead to a new charter that is less democratic than the 1997 "People's Constitution." So far, there is vigorous and unimpeded debate about how to fix the shortcomings of the old constitution, but we simply cannot say now what the final draft will look like.

¶10. (C) Finally, there remains a chance that destabilizing events could derail the transition. Interlocutors here raise concerns that further bombing attacks in the capital, large-scale demonstrations turning violent, or even the sudden return of PM Thaksin, could provoke a political crisis that the CNS/government would have difficulty resolving while keeping on track for elections this year. Despite persistent fears of large, pro-Thaksin demonstrations getting out of control, the political temperature here has stayed fairly temperate. While the current government has many shortcomings, it has so far not been inclined to use heavy-handed police tactics or other authoritarian measures which might provoke a confrontation of this kind.

CONCLUSION

¶11. (C) The political transition is not pretty, and is not going smoothly. It is, nonetheless, moving forward toward a return to elected government before the end of this year. The process permits vigorous debate, both in the press and within civil society. The government's almost paranoid fear of the former PM's money and influence has, unfortunately, led it to retain some counterproductive and unjustified legal limits on civil liberties -- even if it is reluctant to actually apply these restrictions. While Cobra Gold is important to Thailand, the threat of canceling it does not provide sufficient leverage to overcome this fear. The CNS/government also lacks strong leadership and the basic competence to handle the complicated issues of governance. This is a disappointment, and Thailand may pay a price, particularly in terms of economic growth, for the missteps of this administration. But the CNS/government has so far stayed on course to produce a new constitution and turn over authority to an elected government this year. We believe that the progress they have made, after less than five months, is sufficient to permit the US to continue our policy of cautious engagement in areas that are in our own interest.

BOYCE